

PHILLIP A. TALBERT  
United States Attorney  
JASON HITT  
AARON D. PENNEKAMP  
Assistant United States Attorneys  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
  
Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KENNETH CASPERS, JR.,  
  
Defendant.

CASE NO. 2:22-MJ-0073 DB

STIPULATION TO CONTINUE INITIAL  
APPEARANCE AND ISSUE A SUMMONS;  
ORDER

[Fed. R. Crim. P. 4]

**STIPULATION**

Plaintiff United States of America, by and through its undersigned counsel, and defendant, by and through his undersigned counsel, stipulate and jointly request that the Court continue the initial appearance in the above-captioned matter, which is currently set for December 5, 2022, until January 9, 2023. The parties further respectfully request that a new summons be issued for the defendant for an initial appearance date on January 9, 2023, before the duty Magistrate Judge at 2:00 p.m. This stipulation is entered pursuant to Rule 4 of the Federal Rules of Criminal Procedure and is based upon the facts set forth below:

1. On May 11, 2022, the Honorable Deborah Barnes of this Court authorized the Criminal Complaint in *United States v. Caspers*, Case No. 2:22-MJ-0073 DB. In connection with this complaint, Magistrate Judge Barnes issued an arrest warrant for defendant Kenneth Caspers, Jr. pursuant to Rule 4(a).

2. Following the issuance of this arrest warrant, law enforcement contacted Caspers. Consistent with Rule 4(c), law enforcement explained the existence of the warrant and discussed the charges in the warrant with Caspers. Pursuant to these discussions, law enforcement was able to determine that Caspers' current condition requires substantial medical assistance due to a recent motorcycle accident. The officers concluded that it was not safe to transport Caspers to federal court in order to make an initial appearance.
3. In anticipation of future litigation in federal court concerning the above-described Criminal Complaint, the defendant has been represented by the undersigned defense counsel, David Fischer. Defense counsel and counsel for the government have discussed defendant's medical condition and have agreed that his current condition continues to prevent him from being safely taken into federal custody.
4. As a result, the parties previously jointly requested that this Court recall the arrest warrant for defendant Kenneth Caspers and replace that warrant with a summons pursuant to Rule 4(a), which authorizes this Court to "issue a summons, instead of a warrant" "at the request of an attorney for the government." On August 18, 2022, this Court granted that joint request and issued a summons for the defendant to appear on October 3, 2022. Pursuant to a stipulation filed by the parties, and in light of the defendant's ongoing medical condition, that initial appearance date was continued to December 5, 2022.
5. The parties now jointly request that this December 5, 2022 hearing date be continued until a later date in light of the defendant's ongoing medical condition, which continues to prevent him from being safely taken into federal custody. Specifically, defense counsel avers that Caspers is scheduled to undergo a substantial medical procedure in late November that will require several weeks of at-home recovery time. The parties therefore request that the initial appearance be continued until January 9, 2023, at 2:00 p.m. before the assigned duty Magistrate Judge for the Eastern District of California.
6. Moreover, the parties jointly request that this Court issue a new summons for this continued hearing date pursuant to Rule 4(a), which authorizes this Court to issue "more

than one warrant or summons on the same complaint.” This request is made without prejudice to a future stipulation and proposed order requesting a different summons date, depending on the circumstances surrounding the defendant’s medical condition.

7. Moreover, the parties jointly stipulate and agree that the above-described agreement to continue the initial appearance and issue a new summons shall be without prejudice to the government making future requests and/or arguments concerning the detention of the defendant, once his medical condition has improved.

PHILLIP A. TALBERT  
United States Attorney

/s/ Aaron D. Pennekamp

Dated: November 16, 2022

AARON D. PENNEKAMP  
Assistant United States Attorney

/s/ David Fischer

Dated: November 16, 2022

DAVID FISCHER  
Counsel for Defendant KENNETH CASPERS, JR.

### **ORDER**

The parties have jointly requested pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure that the Court continue the initial appearance currently scheduled in this case and issue a new summons for the new initial appearance date.

For the reasons set forth in the parties’ stipulation, IT IS HEREBY ORDERED:

1. The initial appearance on the complaint in the above-captioned case is CONTINUED until January 9, 2023; and
2. Pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure, the Court will issue a new summons for defendant Kenneth Caspers, Jr. to make his initial appearance on January 9, 2023, at 2:00 p.m. in Sacramento before the assigned duty Magistrate Judge for the Eastern District of California.

IT IS SO ORDERED.

Dated: November 16, 2022



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE